

NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

Minutes of Hearing - February 8, 2008

Attendance:

Jerry Tepe, Board of Architects, licensed architect
Michael Santa, CBO, Governor's Commission on Disability, Architectural barrier/free design
John Tuttle, NH Home Builders Association, Architectural designer - residential
Michael Hoisington, Fire Marshal, NH Association of Fire Chiefs, active fire prevention officer
Wayne A. Richardson, NH Building Officials Association, municipal building official
James Petersen, PE, Board of Engineers, licensed mechanical engineer
Thomas Lambert, Chief, NH Association of Fire Chiefs, Municipal Fire
Mark Weissflog, NH Electrical Contractors Business Assoc., licensed master electrician
Thomas Malley, Bureau of Electrical Safety and Licensing, licensed master electrician
Tedd Evans, Board for Licensing and Regulation of Plumbers, licensed master plumber
Laura A. Black, PE - Board of Engineers, licensed electrical engineer

Excused:

Senator Robert Clegg, Chairman, designee for Dept of Safety
Joel Fisher, Board of Engineers, licensed structural engineer

Absent:

Jon Osgood, Public Utilities Commission, state energy conservation code office
Robert Ives, NH Plumbers and Mechanical Contractors Association, mechanical contractor
VACANT, NH Municipal Association
Fred Baybutt, Associated General Contractors, building contractor - non-residential bldgs.

Guests:

Med Kopczynski, Assistant City Manager, Member from the NH Municipal Association.
Mark Hilbert, State Fire Marshal's office
Henry Szumiesz, NH Electrician's Board
Steven Rancourt - Pelham
Daniel Levesser
James Shaw - Barrington
Gil Moriz - New Bedford, MA
Will Dockham - Laconia
Don Gingras - Nashua

Acting Chair Jerry Tepe declared this Board meeting open with a quorum of Board members present. Notification of the meeting was published on-line on the Safety website, and notices were placed at the Department of Safety, the Fire Academy and 2 locations at the State House. Each Board member was also sent the Notice of Meeting.

PUBLIC HEARINGS

Comments on the consideration of the adoption of the 2008 Edition of the National Electrical Code:

Henry Szumiesz, Chairman of the Electrical Licensing Board. Their Board thanks this Board for acting on proposed amendment to the 2008 National Electrical Code. Mark Weissflog asked if their Board has discussed any amendments or issues with the Code. Henry replied no. Mike Santa asked if there was a publication made of the changes between the 2005 and the 2008 NEC editions. Henry replied yes there was an analysis of the Code changes. Mike then asked what the most significant changes were between the two. Henry stated that in the area of residential market Arc-Fault protection is a standard that has expanded beyond just the bedrooms. On the externals of the buildings the bubble covers that are required over outside outlets have expanded to include the sides have to be waterproof. Tedd Evans asked about Annex H and asked if that had been discussed. Henry said no they had not discussed it. The Electricians Board has not voted on any changes at this time.

Steven Rancourt, President of the Electrical Contractors Business Association. The Association has over 75 members with over 1500/2000 employees. 406.8, 406.11, 210-5C, 210-12B, and 680.26-7c. Their proposed amendments will affect the industry. The Chair asked Mr. Rancourt to submit his list of amendments to the Board for consideration at the next Public Hearing. Mike Santa asked if he had a sheet listing each of those amendments the Association wanted. Mr. Rancourt presented the Board with the sheets and copies for each Board member.

Dan Levasseur, owner of Levasseur Electric and also a member of the Electrical Contractors Business Association. Arc-fault breakers have come into the trade and they themselves do about 200-300 units per years, apartments and condos. Out of all the complaint issues that come up, they are the largest problems they have. The meter that you have to use to test them, is not certified to test them. You have to use just the test button that comes on them. Even when they are tested with different meters - they can never get the same result out of them. Mark Weissflog asked if they had an issue with local building inspectors testing Arc-fault when they come in and inspect? He has and has tried both units and could not get them to work. They went out and had to purchase all new ones - put them in and told them they were brand new again - there was no way to test them. Wayne Richardson asked that the only way to really test them is to push the 'test' button on them. Dan said yes. John Tuttle asked if he was opposed to the adoption of the entire NEC based on this one aspect? Dan said he would be in favor of the adoption of the NEC provided they could do amendments. He would like to see more testing of the Arc-Faults. All of the electricians are in favor of the State Building Code adopting the new electrical Codes every year - it gives them something uniform that they all have to meet.

James Shaw, an electrical contactor in the Dover area. He does not feel that adopting the 2008 NEC as it is now, is the way to go. Some changes need to be made to the Code. 95% of his call backs to houses are because of the Arc-Fault breakers. They do not belong in a house because they are untested. The child tamper-proof stuff that is going in (and he will put in a package for when proposed amendments are taken) . . . ME is one of the states that have NOT adopted the Arc-Fault as written in the 2005 Code. He feels that the children that are putting these paper clips into outlets are simply unsupervised children - what are they doing with those kinds of things in their hands. There are less costly and more effective ways to accomplish the same thing. Outlet covers

for receptacles. It's a very very small amount of homes that have the small children of that age that would do that kind of thing. It would not be fair to force everyone to put these into their houses because of a few. Once it's adopted - it's hard to take it back. It's like a law. Wait a year - do some classes - learn some more about it. He suggests that it might want to be tabled for now.

Gil Moriz, a member of the National Electrical Manufacturers Association. They develop products standards for the manufacture of products. The NEC is adopted by a consensus process. Every interested party can participate in that process. The tamper resistant receptacle was based on a study that was done over a 10 yr period on children. The covers do not do the job. The cost is 50 cents per unit. Mark Weissflog asked about the unwarranted tripping issues - and if there was a typical opportunity for under-reported or unreported cases and about vacuum cleaners if that was something prevalent. Gil stated that no it was not prevalent. There is an incident with a vacuum cleaner - 1 manufacturer - under a few different names.

Greg Ahearn is with Gate City Electrical Contractors in Nashua has been in the industry for 40 years. The tamper proof - have their place. As far as pools are concerned, he said sit back and take a look at the situation. The four items will add considerable cost to the estimate sheet. Tedd Evans asked if he could tell the Board how many times he has seen the Code changed and by the time it became effective - did not have the product available to comply with that Code. Greg answered that every time a new Code cycles comes up - you try and work those new products into play - they are not available. Tedd asked if the Electrical Code has ever been amended in New Hampshire. No was the response. Mark Weissflog asked how many articles he thought should be amended. Greg replied that he did not know - he would need more research done.

Will Dockham owner of an electric company and has been involved in the National Electrical Code and education since the 1978 National Electrical Code. Up to this year - he has been a strong advocate of the Code and saying do NOT amend the National Electrical Code. A number of things have changed his mind. Some of his students have submitted proposed amendments to the Code - and have gotten no where - very frustrating. State of PA has not adopted the Code as a whole, Idaho has issues with it as does CT. They do not feel they should be the testing grounds for new products. There are political influences at play here too. Tedd Evans asked what time period would be appropriate to have some of these issues worked out. Will answered that it was probably around 3 years and that the 3-year cycle would probably be adequate for testing the Arc-Fault product. Laura Black asked if he would be in favor of adopting the 2008 Code as is, leaving the Code as it is now (the 2005), or adopting the 2008 while amending it. Will responded his preference would be to adopt the 08 with amendments because there are issues with the 2005 that are problematic. Wayne Richardson asked if he knew how many other states have not adopted this portion of the 08 Code - or amended the 05 Code? He replied that he knew of only 3 so far - but explained that it is early in the process. Laura asked if there is a value of a product coming on the market and making the public the guinea pig for testing purposes. Will stated that there is always going to be some guinea pig testing on the public. For instance in his business last year he installed approximately 400 units and he has replaced 70 of those. Testing only brings you part of the way - and real life usage brings you the rest of the way on any new product.

Mark Hilbert, Chief Electrical Inspector for the State of New Hampshire. Mark sat in on the sub-committee from this Board that looked at the electrical amendments. Some of the issues that were brought up are that it allows inspectors the authority to go back to the previous code if the

required new products are not available. He would encourage the Board to adopt the 2008 edition of the Code. There are 4 months to hear any proposals for amendments. In the State of Vermont, you do not need a licensed electrician to wire a single or a two-family house. The larger municipalities do inspect homes, but the State Inspectors do not inspect the single and two-family houses.

James Shaw pointed out to the Board that Arc-Fault breakers in a manufactured home with a HUD sticker on it - brand new - he wired it and there was not one Arc-Fault breaker in it. And because it has a HUD sticker on it - there is nothing they can do about it. It's not uncommon for States to do their own Code books and amendments.

Don Gingras owner of Gatecity Electric. On delaying the adoption of the 2008 Code one of the good reasons is for example: making the Arc-Fault breakers being required - just wanted to let the Board know that there are 3,000 electricians and not all will go through this training for a year. The manufacturers of the new products are not the people you want to be listening to. Products need to be tested before making them a Safety requirement.

Steven Rancourt said renewing licenses are done on a staggered system every 3 years, and it's hard to keep up-to-date on amendments. Chairman Tepe pointed out that an amendment can come at any time - beginning of the cycle - in the middle - or toward an end.

Chairman Tepe asked if there were any further comments to be heard on the Electrical Code. There being none - declared the **PUBLIC HEARING** on the Electrical Code **CLOSED**. Written comments will still be accepted.

*Public Hearing on adoption of **Exhibit 41** - proposed amendment to the 2006 International Plumbing Code:*

Nancy Allen, Chief Plumbing Inspector for the State of New Hampshire. Exhibit 41 is dealing with the size of the water service pipe. Through their Code Review Committee, because of the lack of volume in public/commercial buildings, they are requesting a 1 inch water service pipe coming into a building. In both the IRC and the IPC, the Code Review Committee wanted 1 inch water service pipe going into each building being built, residential and commercial/industrial, because of the volume of fixtures being put into houses 3/4 of an inch is not sufficient anymore. The 1 inch will save money in the long run. The Code requires a plumber to calculate the water flow required based on the number of fixtures and the number of faucets etc. The Chair wanted to insure that this Board holds to the minimum requirement - and leave the more stringent requirements up to individual towns. Wayne Richardson asked if the Plumbing Board had spoken to the municipalities about this problem. Nancy said no. The plumber responsible for the inside plumbing work is not necessarily contractually responsible for the service pipe. Mike Santa asked if the Plumbing Code regulates municipal services and their installation? Nancy said no, it regulates the size of the water service to the building. This does not cover residential 1 and 2-family houses.

Chairman Tepe asked if there were any further comments/questions on **Exhibit 41**. There being none - declared the **PUBLIC HEARING - CLOSED** on this item. Written comments will still be accepted.

Public Hearing on adoption of **Exhibit 42** - proposed amendment to the 2006 International Plumbing Code:

Nancy Allen spoke on this Exhibit being a correction of a typographical error - and its intent is to make hot water not to exceed 130 degrees in water supply used for bathing, washing, culinary, laundry, etc. And the same also applies for non-residential occupancies. Chairman Tepe asked if there were any questions or comments on this Exhibit. Seeing none, declared this **PUBLIC HEARING** on Exhibit 42 - **CLOSED**. Written comments will still be accepted.

OLD BUSINESS

Adoption of meeting minutes of February 8, 2008:

Tedd Evans made the **MOTION** to adopt the minutes as published. Mark Weissflog **SECONDED** the **MOTION**. Discussion: there being none - the Chair asked for a vote. Vote taken was unanimous in favor. Chairman Tepe declared the minutes **ADOPTED**.

Re-Cap of amendments:

Mike Santa made the **MOTION** to re-consider the Boards action on the amendment previously discussed a couple of meetings ago on 501.6 which deals with water temperature control in piping in tank-less heaters. Tom Malley **SECONDED** the **MOTION**. There being no further discussion Chairman Tepe asked for a Board vote. Vote taken was unanimous and was declared **PASSED**.

Tedd Evans made a **MOTION** to adopt the proposed change on 501.6. Tom Malley **SECONDED** the **MOTION**. Discussion: Tedd explained that this provision deals with hot water coming out of a tank-less coil, and a limitation of the temperature of that water to be 130 degrees. It also includes the use of an ASSE 1017 tempering device if one is to be used. And that is the one that when fails, failed to cold. Mark Weissflog asked if this had anything to do with the mandated minimum water temperatures of 130-140 degrees that was initially proposed in another amendment. Tedd Evans answered no it doesn't The Chair asked if there was any further discussion - there being none asked for a vote. Vote was unanimous in favor and declared **PASSED**.

Tedd printed off a recap of all the amendments made to the IRC and the IPC over the past two months. He asked each member to look them over carefully to see if any errors had been made.

FAQ Section:

Marta spoke and stated she had received a link to the FAQ Section of what was the old ones and were taken down so not to be visible on the website. There have been changes in the Attorneys assigned to this Board. The FAQ's that were not under question - should be put back up. Jerry will send what he has for revisions to Marta. Tedd Evans suggested that until all the details at set on the amendments and such on the 2006 Codes a note that says amendments are being worked on - just so we are not confusing people out there. Wayne Richardson wants the modified height and area table be done - because it's causing a lot of confusion. For the History of the Board and for legal reasons - all the past amendments need to be kept from year to year. Marta explained that the Rules are set up the way any other Administrative Rules are set up except that this Board is exempt from the 541-A - Administrative Procedure Act for the adoption of the Codes.

Code Amendment Process:

Under the Rules governing the Board 214 on how to adopt - Tedd Evans stated that once the form gets formalized - it will have to be put under that section. Marta said that the Administrative Procedure Act requires the Board to vote on an initial proposal. Then a fiscal impact statement needs to be obtained from the LBA. Once that is received it has to be published in the Rule Making Register which sets the hearing for that. Chair has tabled this item until next month.

Legislation updates:

Tedd Evans reported that the hearing on SB360 took place. He, Jon Osgood and Sen. Clegg were the only ones who spoke at the hearing. SB372 is going to be heard on the 13th at 10:00. SB453 gives term limits to the Electrician Board members.

NEW/OTHER BUSINESS

Mike Santa reported that Cheryl Killian has tendered her resignation from the Governors Commission on Disability.

John Tuttle brought up what he passed out at last months meeting, the Duct Panning Report. Tedd said that those who spoke regarding SB 471 had concerns in that they did not have access to that report. They wanted to present a Code amendment so Tedd gave them the form and the procedure. Tom Malley made the **MOTION** to accept the report. Wayne Richardson **SECONDED** the **MOTION**. Discussion: there being no further discussion - Chairman Tepe asked for a vote. Vote taken was unanimous in favor and declared **PASSED**.

Mark Weissflog asked if the Board had to adopt the NFPA committee report. The Chair stated that when the adoption is discussed is when the report should be brought forward.

Question was raised on the effective date of any amendment, Code, etc., adopted by the Board. The Chair stated that according to the Boards Rules - the date the Board votes on a **MOTION** is the effective date. The Board may opt for some later date if it chooses, but must specifically state what the effective date shall be in the **MOTION** before it is voted on.

ADJOURNMENT

Chairman Tepe accepted a **MOTION** to adjourn - John Tuttle **SECONDED** the **MOTION**. Voice vote was taken - all **AYES** and no **NAYS**.